

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WHOGLUE, INC.,	)	
	)	
Plaintiff,	)	
	)	C.A. No.
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
FACEBOOK, INC.,	)	
	)	
Defendant.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff WhoGlue, Inc. ("WhoGlue") complains of Defendant Facebook, Inc. ("Facebook"), as follows:

1. This is a claim for patent infringement that arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338(a).

2. WhoGlue is a Maryland corporation with a principal place of business at 2437 Foster Avenue, Baltimore, Maryland 21224.

3. WhoGlue owns and has standing to sue for infringement of United States Patent No. 7,246,164 B2 (the "164 patent"), entitled "Distributed Personal Relationship Information Management System and Methods," which issued on July 17, 2007 (Exhibit A).

4. Facebook is a Delaware corporation with a principal place of business at 1601 S. California Ave., Palo Alto, California 94304. Facebook operates and conducts business through, e.g., the social networking website facebook.com.

5. This Court has personal jurisdiction over Facebook because, among other things, it transacts business in this judicial district, at least by operating and/or conducting business through the website facebook.com in such a way as to reach customers in Delaware and

this judicial district. Facebook has specifically committed acts of infringement in this judicial district.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

7. Despite notice and knowledge of the '164 patent, Facebook has infringed and continues to infringe at least claim 1 of the '164 patent by directly infringing, knowingly and actively inducing others to infringe and contributing to the infringement of others through the use of the facebook.com website.

8. WhoGlue has complied with the provisions of 35 U.S.C. § 287.

9. Facebook's direct infringement, knowing and intentional inducement to infringe and contributory infringement through the use of its facebook.com website has injured WhoGlue and WhoGlue is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

10. Facebook's infringing activities have injured and will continue to injure WhoGlue unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further infringement of the '164 patent.

WHEREFORE, Plaintiff WhoGlue respectfully asks this Court to enter judgment against Facebook, and against its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- a. The entry of judgment in favor of WhoGlue and against Facebook;
- b. An award of damages adequate to compensate WhoGlue for the infringement that has occurred, but in no event less than a reasonable royalty as permitted

by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;

c. Increased damages as permitted under 35 U.S.C. § 284;

d. A finding that this case is exceptional and an award to WhoGlue of its reasonable attorneys' fees and costs as provided by 35 U.S.C. § 285;

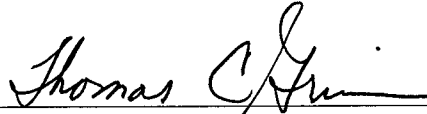
e. A permanent injunction prohibiting further infringement, inducement to infringe and/or contributory infringement of the '164 patent as permitted under 35 U.S.C. § 283; and,

f. Such other relief that WhoGlue is entitled to under law, and any other and further relief that this Court or a jury may deem just and proper.

#### **JURY DEMAND**

WhoGlue demands a trial by jury on all issues presented in this Complaint.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP



Thomas C. Grimm (#1098)

1201 N. Market Street

P.O. Box 1347

Wilmington, DE 19899-1347

(302) 658-9200

tgrimm@mnat.com

*Attorneys for Plaintiff*

#### **OF COUNSEL:**

Raymond P. Niro

Raymond P. Niro, Jr.

Dina M. Hayes

NIRO, SCAVONE, HALLER & NIRO

181 West Madison, Suite 4600

Chicago, IL 60602-4515

(312) 236-0733

September 21, 2009

3124436